

COUNTY OF DeSoto

Preparer's name and address
(Return document to the
BellSouth address on back)
Furr and Associates, Inc.
3855 Outland Rd.
Memphis, Tn 38118
901-362-0697

BELLSOUTH
12/30/04 10:45:55 43
BK 489 PG 698
DESOTO COUNTY, MS
W.E. DAVIS, CH CLERK

EASEMENT - INCLUDING GENERATORS AND FUEL SUPPLY SYSTEMS

For and in consideration of four thousand dollars(\$ 4,000.00)and other good and valuable consideration, the adequacy and receipt of which is hereby acknowledged, the undersigned owner(s) of the premises described below, hereinafter referred to as Grantor, do(es) hereby grant to **BELLSOUTH TELECOMMUNICATIONS, INC.**, a Georgia corporation, its licensees, agents, successors, assigns, and allied and associated companies, hereinafter referred to as Grantee, an easement to construct, operate, maintain, add, and/or remove such systems of communications, facilities, stand by generators and associated fuel supply systems as a means of providing uninterrupted service during commercial power outages, or related services as the Grantee may from time to time require upon, over, and under a portion of the lands described in Deed Book 477, Page 356, DeSoto County, Mississippi Records, and, to the fullest extent the grantor has the power to grant, upon, over, along, and under the roads, streets, or highways adjoining or through said property. The said easement is more particularly described as follows:

All that tract of land lying in Section 12, Township 2 S, Range 8 W, _____ Meridian, DeSoto County, State of Mississippi, consisting of a parcel of land 15'x15' plus 5' private right of way easement on part of Lot 2 of Ross Family S/D as recorded in Plat Book 88, Page 29 in Chancery Clerk's Office DeSoto County, Mississippi. Said Lot is owned by Civic Center Apartments, Phase II, LLC. For a legal description and plat of said right of way easement please see attached survey designated as Exhibit "A" prepared by Parker Estes & Associates, Inc. 3460 Ridge Meadows Parkway , Memphis, TN (901) 360-9805.

The following rights are also granted: the right, consistent with law, to allow any other person, firm, or corporation to attach wires or lay cable or conduit or other appurtenances upon, over, and under said easement for communications or electric power transmission or distribution; ingress to and egress from said easement at all times; the right, but not the obligation, to clear easement and keep it cleared of all trees, undergrowth, or other obstructions; the right but not the obligation, to trim and cut and keep trimmed and cut all dead, weak, leaning, or dangerous trees or limbs outside the easement which might interfere with or fall upon the lines or systems of communication or power transmission or distribution; the right to relocate said facilities, systems of communications, or related services on said lands to conform to any future highway relocation, widening, or improvements; the right to conduct site evaluations and /or other above and below ground tests and surveys deemed necessary by Grantee; and the right to test and maintain generators and associated equipment.

To have and to hold the above granted easement unto BellSouth Telecommunications, Inc. its licensees, agents, successors, assigns, and allied and associated companies forever and in perpetuity.

Grantor warrants that grantor is the true owner of record of the above described land on which the aforesaid easement is granted.

SPECIAL STIPULATIONS OR COMMENTS:

The following special stipulations shall control in the event of conflict with any of the foregoing easement:
It is agreed between Grantor and Grantee that Grantee shall use nearest available parking space for construction and/or maintenance vehicles.

In witness whereof, the undersigned has/have caused this instrument to be executed on the Twenty Seventh day of December, 2004.

Signed, sealed, and delivered
in the presence of:

Leresa Poston
Witness:

Witness:

CIVIC CENTER APARTMENTS, PHASE II, L.L.C.
Name of Limited Liability Company

BY: Clyde Patton, Chief Manager
Title:

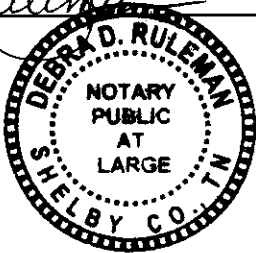
Attest: _____
Owner:

State of Tennessee
County of Shelby

Before me, Debra D. Ruleman notary public of the State and County mentioned, personally appeared Clyde Patton, with whom I am personally acquainted (or proved to me on the basis of satisfactory evidence), and who, upon oath acknowledged himself to be Chief Manager of the Civic Center Apartments, Phase II, LLC, the within bargainer, a Mississippi limited liability company and that he/she as such Chief Manager, being duly authorized so to do, executed the foregoing instrument for the purpose therein contained, by signing the name of the company by himself as Chief Manager.

Debra D. Ruleman
Notary Public

My Commission Expires:
8-28-07



Grantor's Address:

Civic Center Apartments, Phase II, LLC
7960 Wolf River Blvd.
Germantown, TN 38138

Grantee's Address:

BELLSOUTH TELECOMMUNICATIONS, INC.
3855 OUTLAND ROAD
MEMPHIS, TN 38118

TO BE COMPLETED BY BELLSOUTH TELECOMMUNICATIONS, INC.

District	FRC	Wire Center	Authority
Memphis	R257C	Southland	48T07099N PMTOOL 15457

Drawing	Area Number	Plat Number	R/W Number
	80EE9		

Approval	<u>Kurt Bann</u>	Title	<u>DEC</u>
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DESCRIPTION OF A PROPOSED BELLSOUTH EASEMENT ACROSS THE PROPERTY OF CIVIC CENTER APARTMENTS PHASE II, LLC AS RECORDED IN WARRANTY DEED BOOK 477, PAGE 356 AND RECORDED AS LOT 2, ROSS FAMILY SUBDIVISION, PLAT BOOK 88, PAGE 29 IN THE DESOTO COUNTY REGISTER'S OFFICE AND BEING LOCATED IN SECTION 12, TOWNSHIP 2 SOUTH, RANGE 8 WEST, IN DESOTO COUNTY MISSISSIPPI, AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE POINT OF INTERSECTION OF THE CENTERLINE OF W. E. ROSS PARKWAY (68' R.O.W.) AND THE NORTH LINE OF TURMAN DRIVE (68' R.O.W.); THENCE SOUTH 89 DEGREES 56 MINUTES 48 SECONDS EAST, ALONG THE NORTHERLY SIDELINE OF TURMAN DRIVE AND THE PROJECTION THEREOF, A DISTANCE OF 881.03 FEET TO A POINT OF CURVATURE; ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 810.00 FEET AN ARC DISTANCE OF 200.12 FEET, A CHORD DIRECTION OF SOUTH 82 DEGREES 52 MINUTES 08 SECONDS EAST AND A CHORD LENGTH OF 199.61 FEET TO THE POINT OF BEGINNING; THENCE NORTH 14 DEGREES 12 MINUTES 32 SECONDS EAST, A DISTANCE OF 20.00 FEET TO A POINT; THENCE NORTH 75 DEGREES 47 MINUTES 28 SECONDS WEST, A DISTANCE OF 15.00 FEET TO A POINT; THENCE SOUTH 14 DEGREES 12 MINUTES 32 SECONDS WEST, A DISTANCE OF 15.00 FEET TO A POINT; THENCE SOUTH 75 DEGREES 47 MINUTES 28 SECONDS EAST, A DISTANCE OF 10.00 FEET TO A POINT; THENCE SOUTH 14 DEGREES 12 MINUTES 32 SECONDS WEST, A DISTANCE OF 5.02 FEET TO A POINT IN THE NORTHERLY SIDELINE OF TURMAN DRIVE; THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 810.00 FEET AN ARC DISTANCE OF 5.00 FEET A CHORD DIRECTION OF SOUTH 75 DEGREES 58 MINUTES 04 SECONDS EAST AND A CHORD LENGTH OF 5.00 FEET TO THE POINT OF BEGINNING.

CONTAINING AN AREA OF 0.006 ACRES OR 250 SQUARE FEET MORE OR LESS.

EXHIBIT "A" 2 of 2

CIVIC CENTER APARTMENTS, PH. 2, L.L.C.
DEED BK. 477 PG. 356

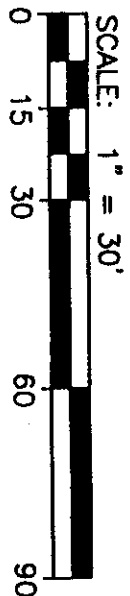
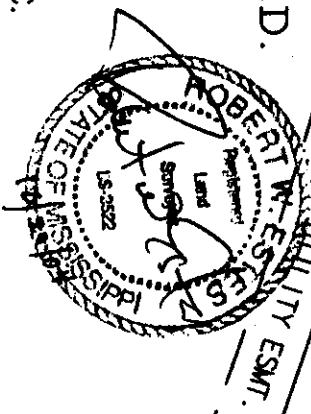
LOT 2
ROSS FAMILY SUBDIVISION
PLAT BK. 88 PG. 29

ROSS FAMILY P.U.D.

TURMAN DRIVE

PROPERTY OF:
CIVIC CENTER APARTMENTS, PHASE II, L.L.C.
DEED BK. 477 PG. 356

EASEMENT AREA: 250 S.F.



R=810.00' L=5.00'
CH=S75°58'04"E CL=5.00'

189.07'

5' UTILITY EASEMENT

15' LANDSCAPE EASEMENT

P.O.B.

1081.15' TO POINT OF INTERSECTION OF
THE CENTERLINE OF W.E. ROSS PKWY. (68' ROW)
AND THE NORTH LINE OF TURMAN DRIVE (68' ROW)

S75°47'28"E
10.00'

S14°12'32"W
15.00'

N75°47'28"W
15.00'

N14°12'32"E
20.00'

S14°12'32"W
5.02'

DRAWINGS ARE RELATIVE ONLY

BELLSOUTH EASEMENT

CIVIC CENTER APARTMENTS, PH. 2

SOUTHAVEN, MISSISSIPPI

DESOTO COUNTY

SECTION 12, TOWNSHIP 2 SOUTH, RANGE 8 WEST

SURVEY BY: P.E. & A. DATE: 12/03

DRAFTSMAN: S.I.E. DATE: 12/20 SCALE: 1" = 30'